

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

J.E.S., by *guardian ad litem*, KATRINA M.  
MARTINEZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 1:21-cv-000784-NONE-SAB

ORDER DIRECTING CLERK OF COURT  
TO ASSIGN DISTRICT JUDGE AND  
DISMISSING ACTION DUE TO  
PLAINTIFF'S FAILURE TO COMPLY  
WITH A COURT ORDER AND FAILURE  
TO PAY FILING FEE

(Doc. No. 7)

Plaintiff J.E.S., by his *guardian ad litem* Katrina M. Martinez, filed a complaint in this action on May 14, 2021, challenging a final decision of the Commissioner of Social Security denying disability benefits. (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. No. 2.) On May 17, 2021, an order issued finding that plaintiff's application to proceed *in forma pauperis* did not demonstrate entitlement to proceed in this action without prepayment of fees. (Doc. No. 5.) Plaintiff was ordered to either file a long form application to proceed without prepayment of fees or pay the filing fee within twenty days. (*Id.*) Plaintiff, who is represented by counsel, did not file a long

1 form application to proceed without prepayment of fees, pay the filing fee, or otherwise respond  
2 to the May 17, 2021 order.

3 On June 22, 2021, the magistrate judge filed findings and recommendations  
4 recommending that plaintiff's application to proceed *in forma pauperis* be denied. (Doc. No. 6.)  
5 The findings and recommendations were served on plaintiff and contained notice that any  
6 objections thereto were to be filed within fourteen days from the date of service. (*Id.* at 3.) No  
7 objections were filed.

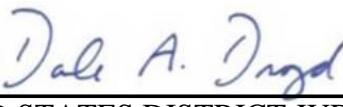
8 On July 13, 2021, the findings and recommendations were adopted and plaintiff's  
9 application to proceed *in forma pauperis* was denied. (Doc No. 7.) Plaintiff was granted  
10 fourteen days to pay the filing fee in this action. (*Id.*) Plaintiff was also warned that if they  
11 failed to comply with the order, the action would be dismissed. (*Id.* at 3.) Plaintiff did not pay  
12 the filing fee or otherwise communicate with the court within the allotted fourteen days.

13 Accordingly,

- 14 1. This action is dismissed, without prejudice, due to plaintiff's failure to obey a  
15 court order, and failure to pay the filing fee; and  
16 2. The Clerk of the Court is directed to assign a district judge to this case for the  
17 purpose of closing the case and then to close this case.

18 IT IS SO ORDERED.

19 Dated: August 17, 2021

  
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21 UNITED STATES DISTRICT JUDGE

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